

Serial Number: 09/284,690

Group Art Unit: 1764

REMARKS

2004 AUG 20 PM 2: 42

By the present amendment, claim 2 has been redrafted as a dependent claim of claim 17 (a purely formal change), claim 17 has been amended by incorporating therein the subject matter of dependent claim 25, claims 19, 23, and 24 have been amended to be rewritten in independent form by incorporating therein the subject matter of claim 17 before the present amendment, claims 20-22 have been amended to recite the subject matter of claim 2 after the present amendment while being dependent on claims 19 and 23-24, respectively, and claim 25 has been amended to be dependent on claim 19 instead of claim 17. Also, allowable claim 23 has been corrected to recite "a" recovery chimney instead of "said" recovery chimney (since the term is not introduced in the recitation of claim 17), and accordingly, dependent claim 21 has been modified to recite "the" recovery chimney.

It is submitted that the amendments have been made to rewrite allowable claims 19 and 23-24 in independent form, rewrite claim 17 as a claim corresponding to allowable claim 25 rewritten in independent form, and reorganize the dependent claims accordingly, so that the amendments do not raise any new issues.

In particular, claim 2 before the present amendment corresponded to claim 17 with the additional features recited in claim 2 after the present amendment, so that amending claim 2 to be dependent on claim 17 does not raise any new issue. Further, all independent claims 17, 19, and 23-24 recite the features of claim 17 before the present amendment, so that neither the amendments to the dependent claims 20-22 to correspond to claim 2 after the present amendment while being dependent on claims 19 and 23-24, respectively, nor the amendment of claim 25 to depend on claim 19 instead of claim 17, raise any new issue.

Serial Number: 09/284,690

Group Art Unit: 1764

Also, the correction to recite "a" recovery chimney in claim 23 and the corresponding 2: 42  
modification to recite "the" recovery chimney in claim 21 are immediate corrections which do not  
raise any new issues.

Accordingly, entry and consideration of the amendments is respectfully requested.

Claims 2, 4 and 16-25 remain pending in the present application. Claims 17, 19, and 23-24  
are now the only independent claims. Claims 2, 4 and 16 are dependent directly or indirectly on  
claim 17, claims 20-22 are dependent on claims 19 and 23-24, respectively, and claim 25 is  
dependent on claim 19.

In the Office Action, claims 4 and 19-25 are allowed, while claims 2 and 16-18 are rejected  
under 35 U.S.C. 103(a) as obvious over US 4,060,042 to Baraldi et al. in view of US 3,916,806 to  
Giraud.

Claim 17 has been amended to incorporate the subject matter of allowable claim 25, and  
claim 2 has been amended to be dependent on claim 17. Further, previously presented claim 16 is  
dependent on claim 2 and previously presented claim 18 is dependent on claim 17. Accordingly, it  
is submitted that the rejection of claims 2 and 16-18 is moot.

In view of the above, it is submitted that the rejection should be withdrawn.

In conclusion, the invention as presently claimed is patentable. It is believed that the claims  
are in allowable condition and a notice to that effect is earnestly requested.

In the event there is, in the Examiner's opinion, any outstanding issue and such issue may  
be resolved by means of a telephone interview, the Examiner is respectfully requested to contact  
the undersigned attorney at the telephone number listed below.

Serial Number: 09/284,690

Group Art Unit: 1764

In the event this paper is not considered to be timely filed, the Applicants hereby petition for an appropriate extension of the response period. Please charge the fee for such extension and any other fees which may be required to our Deposit Account No. 50-2866.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP



Nicolas E. Seckel  
Attorney for Applicant  
Reg. No. 44,373

**Atty. Docket No.: 030790**

**Customer No.: 38834**

1250 Connecticut Avenue NW Suite 700

Washington, D.C. 20036

Tel: (202) 822-1100

Fax: (202) 822-1111

NES:rep

2004 AUG 20 PM 2:42

PATENT  
DIVISION